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James Judd

4/15/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/841,664  
Applicant : Goldman, et al.  
Filed : April 21, 2001  
Title: METHOD AND APPARATUS FOR APPLYING ENERGY TO  
BIOLOGICAL TISSUE INCLUDING THE USE OF  
TUMESCENT TISSUE COMPRESSION  
Art Unit : 3739  
Examiner : Rosiland Rollins  
Docket No.: : VNUS-57470  
Customer No. : 24201

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TECHNOLOGY CENTER R3700

TERMINAL DISCLAIMER TO OBLIGATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The owner, VNUS Medical Technologies, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,179,832 issued to Christopher S. Jones, et al. on January 30, 2001. The owner

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hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(c), has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

The undersigned is the attorney of record.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

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